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PATENT COOPERATION TREATY
PCT



INTERNATIONAL PRELIMINARY EXAMINATION REPORT
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CNCP/P13224PC		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB 03/05476		International filing date (day/month/year) 16.12.2003	Priority date (day/month/year) 17.12.2002
International Patent Classification (IPC) or both national classification and IPC A47J36/24			
Applicant ANDERSON, Keith John			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of 4 sheets.</p>			
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the opinion</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>			
Date of submission of the demand 11.06.2004		Date of completion of this report 04.05.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Novelli, B Telephone No. +49 89 2399-2864 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/05476**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-14 as originally filed

Claims, Numbers

1-16 received on 14.12.2004 with letter of 14.12.2004

Drawings, Sheets

1/7-7/7 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).
- (Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-16
	No: Claims	
Inventive step (IS)	Yes: Claims	1-16
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/05476

- 1) Document **US-A-5397031** discloses (see in particular embodiment of figure 2) a heating device from which the heating device disclosed in independent claim 1 differs in that it comprises non-return means to prevent fluid that has passed through the inlet means from returning to the drinking vessel. According to the cited state of the art, a metering valve is provided at the inlet means. Said metering valve meters the liquid flowing under gravity from the water container to the heating device. As the it is not supposed that the drinking system according to the state of the art is inverted in use, no non-return means is provided.

The heating device according to the invention is adapted for use with a drinking vessel. By providing a non-return valve, the drinking system according to the invention can be inverted in use, so that the heating system can be attached to a drinking vessel directly.

None of the available state of the art suggests to provide non-return means. Consequently independent claim 1 meets the criteria set forth in Article 33(1) PCT with respect to the available prior art, as well as claims 2-15, as they are dependent on said independent claim. Independent claim 16 is directed to a drinking system comprising a vessel and a heating device according to the invention and also meets, therefore, the criteria set forth in Article 33(1) PCT with respect to the available prior art.

- 2) To meet the requirements of Rule 6.3(b) PCT the independent claim 1 should have been properly cast in the two part form, with those features which in combination are part of the prior art being placed in the preamble.
- 3) Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in document **US-A-5397031** is not mentioned in the description, nor is this document identified therein.
- 4) The description has not been put into conformity with the new claims as required by Rule 5.1(a)(iii) PCT.